

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEVEN W. SAMPSON, TRUSTEE,

Plaintiff,

- against -

JAMES D. ROBINSON III, LEWIS B.
CAMPBELL, JAMES M. CORNELIUS,
LAURIE H. GLIMCHER, M.D., VICKI L.
SATO, PH.D., LEIF JOHANSSON, LOUIS
J. FREEH, MICHAEL GROBSTEIN, and R.
SANDERS WILLIAMS, M.D.,

Defendants,

and

BRISTOL-MYERS SQUIBB COMPANY,

Nominal Defendant.

Case No. 1:07-CV-06890-PAC

Related Case No. 1:07-cv-05867-PAC

FILED ELECTRONICALLY

**NOTICE OF DERIVATIVE PLAINTIFF'S MOTION FOR RECONSIDERATION
AND TO ALTER OR AMEND THE ORDER AND JUDGMENT
AND FOR LEAVE TO AMEND THE COMPLAINT**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN THAT, Derivative Plaintiff Steven W. Sampson, Trustee will move this Court on before the Honorable Paul A. Crotty, United States District Judge, on _____, 2008 at _____, or as soon thereafter as counsel can be heard, in Courtroom 20C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, (i) pursuant to Local Civil Rule 6.3 for reconsideration; (ii) pursuant to Federal Rule of Civil Procedure 59(e) for an order amending the Opinion and Order dated August 20, 2008 ("Derivative Order"), and this Court's Judgment, implementing the Derivative Order, which was signed and entered for the Clerk of the Court on August 21, 2008, to provide

that the dismissal of Derivative Plaintiff's Amended Verified Shareholder Derivative Complaint is without prejudice; and (iii) for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a).

This Motion is supported by the accompanying Memorandum of Law, the accompanying Affidavit of Paulette S. Fox and the exhibits annexed thereto, all of the prior pleadings and proceedings had herein, and such other written and/or oral argument, as may be presented to the Court.

Dated: September 5, 2008

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: /s/ Alexander H. Schmidt
Daniel W. Krasner (DK-6381)
Gregory Mark Nespole (GN-6820)
Alexander H. Schmidt (AS-8304)
Paulette S. Fox (PF-2145)
270 Madison Avenue
New York, New York 10016
Telephone: (212) 545-4600
Facsimile: (212) 545-4653

LAW OFFICES OF BRUCE G. MURPHY
Bruce G. Murphy, Esq.
265 Llwyds Lane
Vero Beach, Florida 32963
Telephone: (772) 231-4202
Facsimile: (772) 492-1044

GAINEY & MCKENNA
Thomas J. McKenna, Esq.
295 Madison Avenue, 4th Floor
New York, NY 10017
Tel: (212) 983-1300
Fax: (212) 983-0383

COUNSEL FOR DERIVATIVE PLAINTIFF